

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1. Further, Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. To determine the OAL five-day comment period, please refer to <http://www.oal.ca.gov/>.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted, and the Governor signed, Assembly Bill (AB) 1811 (Chapter 35, Statutes of 2018), which increases the Maximum Aid Payment (MAP) levels in the California Work Opportunity and Responsibility to Kids (CalWORKs) program.
2. Delay in the implementation of these regulations would conflict with the statutory directive found in Section 42 of AB 1811 that emergency regulations be adopted:
 - (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer Sections 1531.6 and 1538.75 of the Health and Safety Code, Sections 10072.3, 10626, 10823.1, 10823.2, 11450.21, 11450.22, 11450.26, 11453.01, 11461.36, 12201.01, 14132.971, 18900.5, 18900.6, and 18900.7 of, Article 3.4 (commencing with Section 11330.6) of Chapter 2 of Part 3 of Division 9 of, and Chapter 14 (commencing with Section 15770) of Part 3 of Division 9 of, the Welfare and Institutions Code, which are added by this act, and Sections 11325.23, 11450, 11462.04, 14132.97, and 18941 of the Welfare and Institutions Code, which are amended by this act, through all-county letters or similar instructions until regulations are adopted.
 - (b) The department shall adopt emergency regulations implementing the sections specified in subdivision (a) no later than January 1, 2020. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the

immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

3. These emergency regulations will ensure that County Welfare Directors (CWDs) are providing accurate CalWORKs program benefits to applicants and recipients as mandated by AB 1811. This regulatory action will benefit the health and welfare of California residents by alleviating the effects of deep poverty. Children living in deep poverty endure hardships that impair their ability to succeed in school and adult life. Increasing the MAP will allow families to meet their basic needs, and thus improve the physical and mental health of their children, as well as their future potential.
4. Therefore, in order to preserve the public peace, health, safety and general welfare of the State of California, these regulations are to be adopted on an emergency basis no later than January 1, 2020.

INFORMATIVE DIGEST

AB 1811 increased the CalWORKs MAP levels by 10 percent, effective April 1, 2019. AB 1811 also provided for further MAP increases in Fiscal Years 2019-20 and 2020-21. These proposed regulations amend CalWORKs regulations to comply with AB 1811 by implementing the 10 percent MAP increase and future increases by referring to the statutes that pertain to the MAP and noting that updates to the MAP figures are published by the California Department of Social Services (CDSS) through an All County Letter.

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The CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. The CDSS has found that these are the only regulations concerning the MAP in CalWORKs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations, but do fulfill the intent of the Legislature in enacting AB 1811.

The document relied upon for this action is AB 1811 (Chapter 35, Statutes of 2018).

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in no additional costs to local agencies.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 10604 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11450, 11450.017, 11450.018, 11450.02, 11450.021, 11450.022, 11450.025, 11450.026, and 11453.01 Welfare and Institutions Code.